

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CJ Advertising, LLC,)	Case No. 3:10-cv-0214
)	Judge Trauger
Plaintiff,)	Magistrate Judge Griffin
)	
v.)	
)	
Kevin White and Whitehardt, Inc., et al.)	
)	
Defendants.)	

DENIAL OF ENTRY OF DEFAULT

Pending is Plaintiff's Request for Entry of Default against Defendants Kevin White and Whitehardt, Inc. (Docket Entry No. 52). Defendants filed an Answer to the Amended Complaint on September 16, 2010 (Docket Entry No. 54). The Answer was filed beyond the time period permitted by the Federal Rules of Civil Procedure, however the Clerk declines to enter default where an Answer has been filed absent some showing of prejudice to the Plaintiff as a result of the late filing. "Judgment by default is a drastic step which should be resorted to only in the most extreme cases." *United Coin Meter Co., Inc. v. Seaboard Coastline RR.* 705 F.2d 839 (6thCir.1983). The Plaintiff makes no claim of prejudice and the Clerk finds none. Accordingly, Plaintiff's Motion is denied.

s/ Keith Throckmorton

Keith Throckmorton
Clerk of Court